

## REMARKS/ARGUMENTS

Claims 1-26 are pending in the present application. Reconsideration of the claims is respectfully requested.

### **I. 35 U.S.C. § 102, Asserted Anticipation**

The Examiner rejects claims 1 and 11 as anticipated by *Jain et al.*, Integrated Data Communication and Data Access System Including the Application Data Interface, US Patent 6,073,139 (June 6, 2000) (hereinafter "*Jain*"). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. §102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case each and every feature of the presently claimed invention is not identically shown in the cited reference, arranged as they are in the claims.

Applicants first address the rejection of claim 1. The Examiner asserts the following regarding claim 1:

Regarding Claims 1 and 11, Jain teaches a method in a data processing system for managing an application's persistent data across multiple different release versions of said application, said method comprising the steps of: defining a format for a memory area wherein said persistent data will be stored according to a first release version of said application; organizing said format to permit said application running at different release versions to access said memory area; and accessing said memory area by said application that is running at a second release version utilizing said format [(see col 1, lines 20-40) (col 4, lines 66-67 to col 5, lines 1-67) (col 6, lines 1-67) (col 7, lines 1-32)].

Office Action dated August 9, 2006, pp. 2-3.

Claim 1 is as follows:

1. A method in a data processing system for managing an application's persistent data across multiple *different release versions of said application*, said method comprising the steps of:
  - defining a format for a memory area wherein said persistent data will be stored according to a *first release version of said application*;
  - organizing said format to permit said application running at *different release versions* to access said memory area; and

accessing said memory area by said application that is running at a *second release version* utilizing said format.

*Jain* does not anticipate claim 1 because *Jain* does not teach any of the features of claim 1. The examiner asserts otherwise, citing *Jain*'s as follows:

The subject matter of the present invention relates to an integrated data communication and data access system, and more particularly, to a data communication system adapted for practicing an event in a first application, creating a data object by the first application during the practice of the event, and communicating between the first application and a cache memory and a database following the practice of the event by independently storing the data object in the cache memory and in the database during a persistent or transient storage state; and to a data access system adapted for independently accessing the database by a second application to retrieve the data object, determining an interest by the second application in subsequently created ones of the data object, expressing the second application's interest in the data objects by transmitting an interest object from the second application to the first application via a server application, and transmitting the subsequently created ones of the data object directly from the first application to the second application.

*Jain*, column 1, lines 20-40.

The examiner is mistaken that *Jain* anticipates claim 1 because *Jain* does not teach any of the features of claim 1. For example, *Jain* does not teach *different release versions of the same application* as recited in claim 1. *Jain* teaches a method for transferring information, such as events, from *concurrently* running programs. (*Jain*, column 1, lines 55-59). This method can be used to replace the conventional technique of "cutting and pasting" information from one program to another. (*Jain*, column 2, line 39). In the above cited portion of *Jain*, a data object is created by the first application during the practice of an event. The data object is stored in cache memory and in a database. A second application can retrieve the data object. The second application can determine if the second application has an interest in the data object. If the second application is interested in the data object, the second application transmits an interest object from the second application to the first application via a server application. Subsequently created ones of the data object are transmitted directly from the first application to the second application.

Transferring information from concurrently running programs is not the same as defining a format for a memory area wherein persistent data will be stored according to a *first release version of an application*; organizing said format to permit said application running at *different release versions* to access said memory area; and accessing said memory area by said application that is running at a *second release version* utilizing said format., as in claim 1. The above cited portion of *Jain* does not teach any method for storing and accessing persistent data between different release versions of the same application. Therefore, this portion of *Jain* does not anticipate claim 1.

Additionally, *Jain*'s column 4, line 66 through column 7, line 32, does not teach the sharing of persistent data between different release versions of the same application as recited in claim 1. This portion of *Jain* restates the concept as stated in column 1, lines 20-40 in more detail. Nowhere in this portion or any other portion of *Jain* does *Jain* teach a method in a data processing system for managing an application's persistent data across *multiple different release versions of said application* as recited in claim 1. If the Examiner disagrees, Applicants urge the Examiner to point out with particularity where in *Jain* the features of claim 1 are believed to be taught. However, because *Jain* teaches the transferring of information between concurrently running programs and does not teach any method for storing and accessing persistent data between *different release versions of the same application*, *Jain* does not teach all the features of claim 1. Therefore, *Jain* does not anticipate claim 1.

Because claims 11 was rejected for the same reason as claim 1, the same distinctions between *Jain* vis-à-vis claim 1 apply to claim 11. Consequently, the rejection of claims 1 and 11 have been overcome.

Furthermore, *Jain* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. *Jain* teaches transferring information from *concurrently* running programs. The present invention teaches a method for storing and accessing persistent data in between different release versions of the same application. The different release versions are not concurrently running programs. Absent the examiner pointing out some teaching or incentive to implement *Jain* with a method to store and access persistent data between different release versions of the same application, one of ordinary skill in the art would not be led to modify *Jain* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Jain* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

## **II. Remaining Allowed and Allowable Claims**

Regarding the remaining claims, the examiner states the following:

Claims 2-4 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Applicant's particular memory format where persistent data is stored for first release version, where the format is permitted to run at different release versions using the format specified, the format is logically divided in the memory and a template of a layout of the sections of each release version is defined in combination with the other limitations of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record.

The dependent claims, being further limiting to the independent claims, definite and enabled by the Specification are also allowed. The closest prior art fails to anticipate or render Applicant's limitations above obvious.

Claims 5-10, and 15-26 are allowed over the prior art made of record.

The following is a statement of reasons for the indication of allowable subject matter: Applicant's particular managing an application's persistent data, stored within a memory area, across multiple different release versions of the application by logically dividing said memory area into individually accessible sections, defining a layout for each one of the release versions sections, creating a layout template for each release version sections, accessing a current release version of the memory area by the application that is running at a particular release version and using a template of the layout for each section created for particular release version, and the current release version which is different from the particular release version in combination with the other limitations of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record.

The dependent claims, being further limiting to the independent claims, definite and enabled by the Specification are also allowed. The closest prior art fails to anticipate or render Applicant's limitations above obvious.

Office Action of August 9, 2006, pp. 3-5.

Applicants agree that claims 2-4 and 12-14 are allowable and that claims 5-10 and 15-26 should be allowed. In addition, these claims are allowable over the cited art for the reasons given above vis-à-vis the response to the rejection of claim 1.

**III. Conclusion**

The subject application is patentable over the cited reference and should now be in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: November 9, 2006

Respectfully submitted,

/Theodore D. Fay III/

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